IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 19864 of 2007(M)

PETITIONER:

ELAMPAL SERVICE CO-OPERATIVE BANK LTD.
NO.604, ELAMPAL P.O., PUNALOOR,
REP. BY ITS SECRETARY.

BY ADV. SRI.G.D.PANICKER
SMT.JEENA JOSEPH

RESPONDENTS:
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1. SECRETARY GOVT. OF KERALA,
KERALA SECRETARIAT, TRIVANDRUM.

2. REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

3. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES(GENERAL), KOLLAM.

4. AVANEESWARAM SERVICE CO-OPERATIVE
BANK LTD. NO.1847, REP. BY ITS SECRETARY,
KUNNIKODE P.O., KOLLAM DIST.

5. ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES(GENERAL), PUNALOOR.

BY ADV. SMT.I.SHEELA DEVI --- R4
GOVERNMENT PLEADER SMT. M.K. PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 19864/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE EXTRACT OF THE EN-BLOCK AMENDMENT OF THE BYE LAW OF THE SOCIETY WAS REGISTERED ON 27/5/61.

EXT.P2. COPY OF THE BYE LAW OF THE PETITIONER BANK WAS AMENDED ON 20/09/02 IN ORDER TO AVOID THE OVERLAPPING AREA.

EXT.P3. COPY OF THE APPLICATIONS APPROVED BY THE MANAGING COMMITTEE FOR BYE LAW AMENDMENT.

EXT.P4. COPY OF THE LETTER OF SANCTION DT. 11/3/2005 RECEIVED FROM THE PRINCIPAL AGRL. OFFICER.

EXT.P5. COPY OF THE PERMIT DT. 11/3/05.

EXT.P6. COPY OF THE ORDER DT. 24/6/05 OF THE R3 WITHDRAWING THE STAY.

EXT.P7. COPY OF THE IST PAGE OF THE BYE LAW OF THE R4 BANK FILED BEFORE THIS COURT.

EXT.P8. COPY OF THE JUDGMENT IN WPC NO. 13760/05 DT. 23/11/05.

EXT.P9. COPY OF THE AFFIDAVIT AND PETITION.

EXT.P10. COPY OF THE ORDER DT. 22/12/05.

EXT.P11. COPY OF THE JUDGMENT IN WPC NO. 36532/05 DT. 31/1/2006.

EXT.P12. COPY OF THE JUDGMENT IN WPC NO. 5768/06 DT. 28/2/2006.

EXT.P13. COPY OF THE REVISION PETITION FILED BY THE R4.

EXT.P14. COPY OF THE COMMENTS DATED 7/4/06 BY THE MANAGING COMMITTEE OF THE PETITIONER.

EXT.P15. COPY OF THE LETTER DT. 2/1/2007.

EXT.P16. COPY OF THE ARGUMENT NOTE.

EXT.P17. COPY OF THE ORDER NO. 333/2007 DT. 15/5/2007 OF THE PRINCIPAL SECRETARY TO GOVT.

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RESPONDENT'S EXHIBITS

EXT.R4A. COPY OF THE LAW OF THE AVANEESWARAM CO-OPERATIVE SOCIETY.

EXT.R4B. COPY OF THE RESOLUTION PASSED BY THE R4.

EXT.R4C. COPY OF THE ORDER OF APPROVAL BY THE DEPUTY REGISTRAR.

EXT.R4D. COPY OF THE RESOLUTION NO. 411 ON 30/5/07 BY THE R4.

True copy

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THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.19864 OF 2007

Dated this the 14th day of November, 2007

JUDGMENT

One of the undisputed contentions of the writ petitioners is that the revision was heard by the Joint Secretary, however, that the impugned Ext.P17 has been issued by the Principal Secretary. Without expressing any further on the merits of the matter, this writ petition is allowed quashing Ext.P17 and directing that the matter will be heard and disposed of by the same authority. Let this be done within a period of two months from the date of receipt of a copy of this judgment. All other contentions are left open.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.